

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re: DOMENIC ANTHONY DESEI, : Bankruptcy No. 15-17430REF
Debtor : Chapter 13

ORDER

AND NOW, this 27 day of October, 2017, upon Debtor's motion for leave to file a new Chapter 13 case, and upon the hearing on Debtor's motion yesterday at which Debtor testified under direct and cross examination, and upon my consideration of the testimony and exhibits presented in the hearing on this issue, and upon Debtor and his wife having previously filed eleven individual or joint cases in the eight years from 2008 through 2015, and upon my dismissing Debtor's 2015 case (the above-captioned, most recent case) with prejudice, barring Debtor for five years from filing another petition, either individually or jointly with his wife, and upon Debtor filing his motion individually, presenting the possibility of his wife filing yet another case, and upon Debtor's failure to prove any effort to sell, or to list for sale, any of his properties until very recently – more than 16 months after his prior case was dismissed, and upon Debtor's failure to prove (upon questioning by counsel for the Chapter 13 Trustee) his ability to pay the required monthly payments that he would face in a Chapter 13 case, and upon Debtor's failure to prove legitimate agreements of sale for some of his properties,

and upon Debtor's failure to prove to me that sufficient circumstances exist to permit him to file a new bankruptcy case,

IT IS HEREBY ORDERED that Debtor's motion for leave to file a new case is DENIED.

BY THE COURT

A handwritten signature in black ink, appearing to read 'RME', is written over a horizontal line.

RICHARD E. FEHLING

United States Bankruptcy Judge